

### REMARKS/ARGUMENTS

Applicants respectfully requests further examination and reconsideration in view of the instant response. The claims remaining in the present application are Claims 1, 4-11 and 14-26. Claims 1, 4-11 and 14-26 are rejected. No new matter has been added.

### CLAIM REJECTIONS – 35 U.S.C. §103(a)

#### Claims 1, 4-11 and 14-19

The instant Office Action states that Claims 1, 4-11 and 14-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over US 2001/0040871 (“Abrahamsson”) in view of US 2002/0040479 (“Ehrman”). Applicants respectfully submit that the embodiments of the present invention as recited in Claims 1, 4-11 and 14-19 are patentable over the combination of Abrahamsson and Ehrman for at least the following rationale.

Claim 1 recites an embodiment of the present invention (emphasis added):

A method for streaming media data to a client, said method comprising:  
encoding an item of content comprising media data to be streamed to said client into a first multiple description bitstream and into a second multiple description bitstream, wherein said first multiple description bitstream and said second multiple description bitstream each consist of complimentary information that is not duplicative and are decodable independent of one another such that said first multiple description bitstream is decodable without utilizing any information comprised within said second multiple description bitstream and said second multiple description bitstream is decodable without utilizing any information comprised within said first multiple description bitstream; and

distributing **concurrently** said first and second multiple description bitstreams to a plurality of servers placed at intermediate nodes throughout a network, such that said first and second multiple description bitstreams are sent to said client via a plurality of transmission paths, wherein said client decodes said item of content at a first quality should only said first multiple description bitstream be received at said client, wherein said client decodes said item of content at a second quality should only said second multiple description bitstream be received at said client, and wherein said client decodes said item of content at a quality greater than either of said first or second quality should both said first and said second multiple description bitstreams be received at said client.

Independent Claims 11 and 20 recite similar embodiments. Claims 4-10, 14-19 and 21-26 that depend from Claims 1, 11 and 20, respectively, also include these embodiments.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Moreover, Applicants respectfully note that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Applicants respectfully submit that Abrahamsson does not teach or suggest “distributing concurrently said first and second multiple description bitstreams,” as claimed (emphasis added). Moreover, Applicants respectfully submit that Abrahamsson teaches away from “distributing concurrently said first and second multiple description bitstreams,” as claimed (emphasis added). Applicants understand Abrahamsson to disclose “different segment descriptors are then transmitted in separate data packets at different points in time” (emphasis added; 0034) and “diversity is provided from multiple descriptions by transmitting/receiving different individual segment descriptions of the same sound segment in different data packets at different time instances” (emphasis added; 0036). In contrast, Applicants claim “distributing concurrently said first and second multiple description bitstreams” (emphasis added). By disclosing distributing different complimentary segment descriptors (e.g.,  $D_1(n)$  and  $D_2(n)$ ) at different times (and not concurrently), Applicants respectfully submit that Abrahamsson teaches away from “distributing concurrently said first and second multiple description bitstreams,” as claimed (emphasis added).

Moreover, Ehrman does not overcome the deficiencies of Abrahamsson. Applicants understand Ehrman to disclose “streaming content via a network to a receiver includes the steps of providing a plurality of streams to a plurality of different suppliers and receiving multiple streams from the different suppliers” (abstract). In particular, Ehrman does not disclose “distributing concurrently said first and second multiple description bitstreams,” as claimed (emphasis added).

Applicants respectfully submit that the combination of Abrahamsson and Ehrman, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Therefore, Applicants respectfully submit that the combination of Abrahamsson and Ehrman does not render obvious the claimed embodiments of the present invention as recited in independent Claims 1 and 11, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Applicants respectfully submit that the combination of Abrahamsson and Ehrman also does not render obvious the additional claimed features of the present invention as recited in Claims 4-10 and 14-19 that depends from independent Claims 1 and 11, respectively. Therefore, Applicants respectfully submit that Claims 4-10 and 14-19 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

#### Claims 20-26

The instant Office Action states that Claims 20-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Abrahamsson and Ehrman and further in view of

US 6,308,222 (“Krueger”). Applicants respectfully submit that the embodiments of the present invention as recited in Claims 20-26 are patentable over the combination of Abrahamsson, Ehrman and Kreuger for at least the following rationale.

Abrahamsson and Ehrman does not render unpatentable the embodiments of Claim 20, as presented above. In particular, Abrahamsson teaches away “distributing concurrently said first and second multiple description bitstreams,” as claimed. Moreover, Krueger does not overcome the deficiencies of Abrahamsson. Applicants understand Krueger to disclose “[a] proxy server has a connection to a client computer and to a remote server over the Internet” (abstract). In particular, Krueger does not disclose “distributing concurrently said first and second multiple description bitstreams,” as claimed.

Applicants respectfully submit that the combination of Abrahamsson, Ehrman and Krueger, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Therefore, Applicants respectfully submit that the combination of Abrahamsson, Ehrman and Krueger does not render obvious the claimed embodiments of the present invention as recited in independent Claim 10, that this claim overcomes the rejection under 35 U.S.C. § 103(a), and that this claim is thus in a condition for allowance. Applicants respectfully submit that the combination of Abrahamsson, Ehrman and Krueger also does not render obvious the additional claimed features of the present invention as recited in Claims 21-26 that depends from independent Claim 20, respectively. Therefore, Applicants respectfully submit that Claims 21-26 also

overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

### CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1, 4-11 and 14-26 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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